

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JONATHAN MIKKELSON, et al.,

Plaintiffs,

v.

MICHAELS MANAGEMENT SERVICES
LLC, et al.,

Defendants.

Case No. 24-cv-09504-VKD

**ORDER DIRECTING PLAINTIFFS TO
SHOW CAUSE WHY AMENDED
COMPLAINT SHOULD NOT BE
STRICKEN**

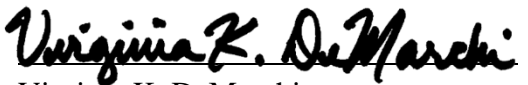
Re: Dkt. No. 40

A party may file an amended pleading once, as a matter of course, “21 days after serving it,” or “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1). “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). In the present action, defendants filed their respective answers to the complaint months ago, and the time for plaintiffs to file an amended pleading as a matter of course has long since passed. *See* Dkt. Nos. 1, 5, 20. The Court’s August 12, 2025 case management order set a September 15, 2025 deadline to file a motion to amend pleadings. *See* Dkt. No. 38. On September 15, 2025, plaintiffs filed a First Amended Complaint (“FAC”) without filing a motion for leave to do so. Nor is there any indication that the parties stipulate to the filing of the FAC.

Accordingly, by **noon on September 17, 2025**, plaintiffs shall file a response to this order, showing cause why their FAC should not be stricken from the record.

IT IS SO ORDERED.

Dated: September 16, 2025


Virginia K. DeMarchi
United States Magistrate Judge